

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE CLARK,

Plaintiff,

v.

Civil Case No. 14-12519
Honorable Linda V. Parker

LAFAYETTE PLACE LOFTS, ET AL.,

Defendants.

**OPINION AND ORDER DENYING PLAINTIFF'S OBJECTION TO
MAGISTRATE JUDGE'S MAY 4, 2015 ORDER STRIKING PLEADINGS**

In this action filed against numerous defendants on June 26, 2014, Plaintiff alleges civil rights violations based on the failure to rent him an apartment allegedly due to his race and disability. On April 9, 2015, Plaintiff filed a motion titled "Motion Emergency Plaintiff Injunctive Relief," or, alternatively, "Civil Rule 56 Pleading and Motions Hearing Objections and/or Review Allege Criminal Misconduct(s) Federal Grants HUD (Monies)." (ECF No. 47.) On April 20, 2015, Plaintiff submitted a similarly titled filing that purports to contain documents and/or exhibits in support of the earlier motion. (ECF No. 48.) This Court has referred Plaintiff's lawsuit to Magistrate Judge Michael Hluchaniuk for all pretrial proceedings, including a hearing and determination of all non-dispositive matters

pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 31.)

On May 4, 2015, Magistrate Judge Hluchaniuk issued an order striking the aforementioned pleadings. (ECF No. 49.) Finding the pleadings “virtually incomprehensible and provid[ing] absolutely no legal or factual basis for the Court to provide any relief[,]” Magistrate Judge Hluchaniuk exercised the inherent power granted to courts to control their dockets, including determining whether to strike documents. (*Id.* at 3, citing *Anthony v. BTR Auto. Sealing Sys., Inc.*, 339 F.3d 506, 516 (6th Cir. 2003).) On May 11, 2015, Plaintiff filed a document entitled “Plaintiff’s 14 Days Notice of Appeal Federal Rule of Civil Procedure 72(b) and Local Rule 72.1(d)”, in which he appears to be objecting to the magistrate judge’s May 4, 2015 decision. (ECF No. 51.)

Rule 72(a) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1)(A) provide the standard of review this Court must apply when objections are filed with respect to a magistrate judge’s ruling on nondispositive matters. The rule provides in relevant part: “The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see also* 28 U.S.C. § 636(b)(1)(A).

Applying this standard, the Court rejects Plaintiff's objection to Magistrate Judge Hluchaniuk's order. Magistrate Judge Hluchaniuk's decision is neither clearly erroneous nor contrary to law. A significant portion of Plaintiff's current pleading appears to be copied from another source and simply contains questions and answers about the courts (e.,g. "What is Federal Court?"; "What's the Difference [between] Civil Cases and Criminal Cases?"; "What Kinds of Cases are Tried In Federal Courts?"). The rest of Plaintiff's pleading-- like the motions stricken by Magistrate Judge Hluchaniuk-- offers no clear argument for why this Court should modify or set aside the magistrate judge's decision.

Accordingly,

IT IS ORDERED, that Plaintiff's "14 Days Notice of Appeal Federal Rule of Civil Procedure 72(b) and Local Rule 72.1(d)" (ECF 51) is **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 14, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 14, 2015, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager